

TOWN OF WESTON, CONNECTICUT
ZONING BOARD OF APPEALS HEARING
April 24, 2012

MINUTES

Present: Board Members: Chairman MacLeod Snaith, Vice-Chairman Richard Wolf, Nick Noyes, Robert Gardner, Jeff Tallman and Alternate: Marilyn Parker

Mr. Snaith opened the public hearing at 7:35 p.m. The Board Secretary read the agenda into the record.

12 MAPLE STREET, owner, LISA CAPLAN, Map 2, Block 1, Lot 5, Variance to Sections 321.6 and 374 of the Zoning Regulations to allow a full second floor to be constructed on the existing footprint of a nonconforming ranch house located 10.8 feet from one side property line and 12.3 feet from the other side property line. Variance to Section 321.6 of the Zoning Regulations to allow the addition of a covered front porch on a nonconforming house to be located 10.8 feet from the side property line.

John Jones, architect and Ms. Caplan, owner, came forward to present the application. Mr. Jones presented the drawings and noted that there was an additional drawing showing the front porch. He explained that the existing house is a one-story, 1,600 sq. ft. dwelling on a parcel of just .29 acres. The owners would like to add a second story over the existing footprint of the house and add a front “rocking chair” porch and Mr. Jones indicated the existing and proposed on the plan. He explained that at the end it will still be a modest square footage of 2,950 on two floors. It will remain a 3 bedroom home because of septic limitations. Discussion ensued.

Mr. Wolf commented that it doesn’t appear that the owner has too many choices on how to add a 2nd story onto the building and the houses in the area are all around the same size and volume as the applicant is looking to add. Mr. Noyes pointed out that it is the only single story house on the street. Mr. Snaith mentioned the constraints also included the well in the front of the house and septic system in the rear.

Hearing no additional discussion, the public hearing was closed at 7:54 p.m.

7 LAUREL RIDGE LANE, owner, ARTUR DOMKA, Map 10, Block 2, Lot 8, Variance to Sections 321.6 and 374 of the Zoning Regulations to allow a demolished nonconforming house to continue to be reconstructed on the same footprint as the existing foundation located 10.5 feet from the front property line and 6 feet from the side property line. The existing foundation has been raised.

Artur Domka, owner came forward and stated that he is looking to reconstruct a dwelling on a pre-existing foundation, all of which is completely within the setback. He explained that it is a hard lot to build a house in location other than on the current foundation. There is a large wetland area in back and lot of ledge. Mr. Snaith noted that the application mentioned that the septic system location is the only location for the septic. Mr. Domka explained that the Health Department did test holes and they were getting too close to the wetlands and the other side of the property is mostly ledge. Mr. Wolf suggested that they get a history behind what has occurred and questioned why the house was demolished without a permit. Mr. Domka explained

that he didn't plan on doing so much work, he was just going to gut the inside and make it livable but ended up having to take the house down. Discussion ensued.

Tracy Kulikowski, Land Use Director, explained that Code Enforcement referred the matter to P&Z and they told Mr. Domka that he would need a variance. She also noted that the existing foundation has been raised and all the work was done prior to obtaining permits from the Building Department. Mr. Snaith stated that it is a legal lot, non-conforming as it may be, but it is a legal lot and the owner is allowed to build on it but he would like to see the new house approaching conformity. Mr. Noyes commented that this is a grandfathered location and the footprint hasn't changed. Discussion ensued regarding the area for the proposed septic system as an alternate location.

Tom Tuttle, 15 Laurel Ridge, neighbor, came forward and stated that he is in favor of Mr. Domka getting his house approved but his concern is regarding the new height. The house is 10 feet off the road and it would have a big impact. He also expressed concern that if it is allowed to be built at that height, he would propose that there be a condition that screening be planted along the road. He stated that the Board should be prudent and careful on what they allow, and hopes that the septic system has some "wiggle room" and maybe the house could be located there, if possible.

Mr. Noyes then stated that if they were able to review drawings with appropriate dimensions and mass, he would be in favor of a variance to rebuild the house on the existing footprint. Messrs. Gardner, Wolf, Snaith and Ms. Parker all agreed, but added that the drawings are so inadequate that they are unable to make a final determination. Mr. Snaith also added that since it is so close to the road, he would like to see the plate height lowered. Mr. Tallman commented that he would hate to see bad design in sacrifice for the height.

It was decided that the discussion would be continued at the next meeting.

Deliberations: Voting members: Snaith, Wolf, Tallman, Gardner, Noyes

12 Maple Street:

Mr. Noyes commented that what is proposed is not out of character for the neighborhood, it is a reasonable request and does not significantly change the footprint. Mr. Wolf commented that he would be in favor of approving the application. Mr. Snaith concurred noting the hardships of the non-conforming lot which is not even 1/3 acre, the structure is non-conforming and within the setback areas and the potential expansion to the rear is limited because of the septic and limited in the front because of the well. He also noted that the character of the neighborhood is comprised of houses about the same size as this proposal with similar setbacks. While the front is in compliance, the sides are the problem, and it is not an unreasonable request to gain a bedroom.

MOTION FOR APPROVAL

Mr. Wolf made a motion to approve the variance to Sections 321.6 and 374 for 12 Maple Street for a second floor addition to be constructed on the existing footprint of a non-conforming ranch house located 10.8 ft. from one side and 12.3 ft. from the other side property line and to allow the addition of a covered front porch 10.8 ft. from the side property line, as shown on plans prepared by John Jones Architects, LLC dated 4/4/2012. The hardship is based on the pre-existing, non-conforming lot and structure with septic, the location of the septic system and well

and strict applications of the regulations would cause undue hardship. Mr. Snaith seconded the motion. All in favor, the motion carried (5-0).

APPROVAL OF MINUTES

Mr. Snaith made a motion to approve the Minutes from the March 23, 2012 meeting, as amended, and Mr. Wolf seconded. All in favor, the motion carried (6-0).

MOTION TO ADJOURN

Ms. Parker made a motion to adjourn the meeting and Mr. Snaith seconded. All in favor, the meeting adjourned at 9:30 p.m.

Respectfully submitted,

Delana Lustberg
Board Secretary